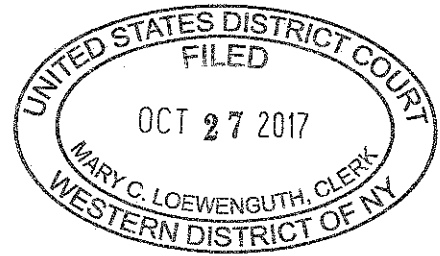


**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



LORI-JOY PATTERSON,

Plaintiff,

v.

NANCY A BERRHILL,
Commissioner of Social Security,

Defendant.

ORDER

16-cv-6789

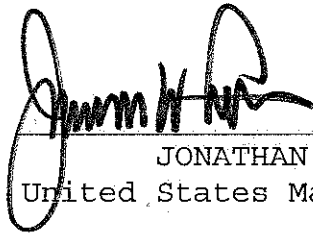
Currently pending before the Court are the parties' competing Motions for Judgment on the Pleadings. (Dockets ## 9, and 10). On October 26, 2017, a hearing was held and arguments were heard from the parties' attorneys. For the reasons set forth on the record during the October 26th hearing, the Court hereby Orders that the Commissioner's motion for judgment on the pleadings (Docket # 10) is **denied**, and the plaintiff's motion for judgment on the pleadings (Docket # 9) is **granted**.

The ALJ erred by assigning "little weight" to all of the medical opinion evidence in the record and instead substituting his own view of the medical evidence for the treating physician's opinion. See Greek v. Colvin, 802 F.3d 370, 375 (2d Cir. 2015) (setting forth the requirements of the "treating physician rule"). "For the ALJ to conclude that plaintiff presented no evidence of disability at the relevant time period, yet to simultaneously discount the medical opinion of his treating

physician, violates his duty to develop the factual record, regardless of whether the claimant is represented by legal counsel." Shaw v. Chater, 221 F.3d 126, 134 (2d Cir. 2000).

Accordingly, this matter is remanded back to the Commissioner for further proceedings consistent with the findings made on the record.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jonathan W. Feldman', is written over a horizontal line.

JONATHAN W. FELDMAN
United States Magistrate Judge

Dated: October 27, 2017
Rochester, New York